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DONALD J. BROTT
MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BICKNELL
TWO FIRST NATIONAL PLAZA
CHICAGO, IL 60603

EXAMINER
WOODS, R

ART UNIT PAPER NUMBER

3204

16

DATE MAILED: 07/27/92

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 3/12/92 ☒ This action is made final.
3 and 5/1/92

A shortened statutory period for response to this action is set to expire 3 month(s), 5 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice re Patent Drawing, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449. (2)
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

- ☒ Claims 2-4, 6-11, 13-31, and 44-54 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☒ Claims 1, 5, 12, and 32-43 have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 2-4, 6-11, 13-31, and 44-54 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☒ The proposed drawing correction, filed on 3/12/92, has been ☒ approved. ☐ disapproved (see explanation).
- ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

1. The amendments filed 3/12/92 and 5/1/92 have been entered.

2. Claims 2, 4, 10, 13-16, 18-21, 23-31, and 49-54 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 1 of claims 2, 4, 18-21 23-25, 30, 31, 49, 50, and 52-54, "Apparatus" lacks positive antecedent basis.

In claim 2 lines 1-2, "said slot cutting station" lacks positive antecedent basis.

In claim 10 line 3, "two of said bridges are provided" is a double recitation of claim 7 lines 6-7.

In claim 13 lines 11-12 and claim 14 line 12, "when necessary" constitutes indefinite alternative phraseology which is not acceptable.

In claim 18 line 4, it appears that "a disc" should be --said disc-- or --the disc-- to ensure positive antecedent basis.

What is the difference between claim 23 and claim 54?

In claim 26 lines 3-4, "said each of said bridges" lacks positive antecedent basis.

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In claim 51 line 3, "said slots means" lacks positive antecedent basis.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 2, 3, 7, 9, 11, 13, 14, 16-18, 22, 44-51, and 53 are rejected under 35 U.S.C. § 102(b) as being anticipated by Archer.

Regarding claims 44, 45, and 46, the width of the slot means is interpreted to be the dimension of the slot means (14) as measured along an imaginary line which is perpendicular to the plane of the strip.

6. Claim 10 is rejected under 35 U.S.C. § 103 as being unpatentable over Archer as applied to claim 7 above, and further in view of Murch.

Archer discloses an apparatus which comprises all of the recited limitations except that the strip does not have a scroll shape. Murch shows that it is known in the art to produce strips with a scroll shape from a sheet of material rather than to straight shear the strips from the sheet, so that "a more economical cutting is obtained" (page 1, column 2, line 12). Therefore, for economical reasons, it would have been obvious to one of ordinary skill in the art to construct the strips of Archer with a scroll shape as taught by Murch.

7. Claims 24-31 are rejected under 35 U.S.C. § 103 as being unpatentable over Archer.

Archer discloses a die, strip, and process which comprise all of the recited limitations except for a specific lateral width of the bridges. To specify a lateral width or the bridges would be the mere discovery of the optimum or workable ranges within the general conditions of the prior art by routine experimentation and therefore obvious to one of ordinary skill in

the art.

8. Figure 1 and the description of same in the instant application, as well as page 3 lines 16-24 of Applicant's Information Disclosure Statement filed 3/12/92 as paper number 9, are referred to hereinafter as "acknowledged prior art".

9. Claims 3, 4, 6-11, 17-23, and 44-54 are rejected under 35 U.S.C. § 102(b) as being anticipated by the acknowledged prior art.

Regarding claims 44, 45, and 46, the width of the slot means is interpreted to be the dimension of the slot means as measured along an imaginary line which is perpendicular to the plane of the strip.

10. Claim 15 appears that it would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

11. The Supplementary Information Disclosure Statement filed 5/1/92 as paper number 12 has not been fully considered since it is not completely understood. One page of paper 12 shows a strip of blanks and a sectional view, presumably taken somewhere along the strip. Is the sectional view taken through a "stretch hole" or through a "bridge"? Are the "stretch holes" actually holes or just deformed areas of the strip? These two figures appear that they could be pertinent to claims 44-46.

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12. Applicant's arguments filed 3/12/92 and 5/1/92 have been fully considered but they are not deemed to be persuasive.

It is believed that applicant's arguments filed 3/12/92 were fully addressed in the personal interview dated 4/6/92; the arguments filed 5/1/92 are addressed below.

It is argued that the bridges are at an angle relative to the center line and the prior art does not show this shape. The prior art does, however, show this shape as recited in the claims, e.g. "portions which are disposed at an angle".

It is further argued that the prior art does not show the "straddle pilots". Using the dictionary definition of "straddle", the "straddle pilots" as claimed are shown in the prior art.

13. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).


A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.


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14. Any inquiry concerning this communication should be directed to Raymond Woods at telephone number (703) 308-3770.


Woods/msm
July 20, 1992


FRANK T. YOST
SUPERVISORY PATENT EXAMINER
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